

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

-against-

Case No.: 24-cv-55

PRIME CAPITAL VENTURES, LLC  
BERONE CAPITAL FUND, LP  
BERONE CAPITAL PARTNERS LLC  
BERONE CAPITAL LLC  
BERONE CAPITAL EQUITY FUND I, LP  
405 MOTORSPORTS LLC f/k/a Berone Capital Equity  
Partners LLC

Defendants.

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**PLAINTIFF COMPASS-CHARLOTTE 1031, LLC's**  
**APPLICATION FOR PERMISSION TO FILE UNDER SEAL THE DECLARATION OF**  
**WILLIAM L. ESSER IV, ESQ. AND SUPPORTING PAPERS**

PLEASE TAKE NOTICE that Plaintiff Compass-Charlotte 1031, LLC ("Compass-Charlotte") moves this Court under Local Rules 5.2-5.3, and Administrative Procedures for Electronic Filing - General Order No. 22 § 12.2, for an Order permitting Compass-Charlotte to file under seal the Declaration of William L. Esser IV, Esq. (the "Declaration") and the exhibits annexed thereto. Certain portions of the Declaration and the exhibits annexed thereto contain or refer to material that Defendant Prime Capital Ventures, LLC ("Prime") has requested be designated as Confidential pending the entry of a Stipulated Protective Order, which the Parties are currently negotiating.

Therefore, Compass-Charlotte seeks to file under seal the Declaration and exhibits annexed thereto because they contain confidential information. Compass-Charlotte has consulted with counsel for Prime, who has specifically requested Compass-Charlotte file this application and does not object to the submission of sealed material in this manner.

In accordance with Local Rules 5.2-5.3, Compass-Charlotte is delivering via email to Judge D'Agostino's chambers for *in camera* consideration a copy of the unredacted material sought to be sealed and are serving the same on all counsel.

Dated: January 19, 2024

/s/ Christopher V. Fenlon  
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